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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,987	09/06/2000	Calvin B. Ward	54391	9378

7590 05/31/2005

Law Offices of Calvin B Ward
18 Crow Canyon Court Suite 305
San Ramon, CA 94583

EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,987

Applicant(s)

WARD, CALVIN B.

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 02-08-05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The finality of the Office action mailed is hereby withdrawn in view of the new ground of rejection set forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schelhorn et al.

5. Schelhorn teaches a protective covering for protecting an exposed surface: a water-impermeable electrostatically charged sheet (Schelhorn, 10, FIG. 2 and associated text, waterproof and impermeable is equivalent to water-impermeable characteristic), and an

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absorbent layer (Schelhorn, 12, FIG. 2 and associated text) wherein said bottom surface of said absorbent layer being in contact with said top surface of said electrostatically charged sheet.

6. Schelhorn teaches the protective covering of Claim 19, wherein said absorbent layer comprises paper (Schelhorn, col. 1, lines 55-60) (instant claim 20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 7-8, 19-21, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,151,091 to Glaug et al. in view of USPN 5,486,411 to Hassenboehler, Jr. et al.

9. Glaug teaches a protective covering for protecting an exposed surface: a water-impermeable sheet (Glaug, 190, FIG-2 and associated text, moisture-impermeable is equivalent to water-impermeable quality), and an absorbent layer (Glaug, 160 and 165, FIG-2 and associated text) wherein said bottom surface of said absorbent layer being in contact with said top surface of said water-impermeable sheet wherein said absorbent layer is divided into a plurality of cells (Glaug, spaces between 150 named canals (col. 6, line 11) or chambers denoted 115, FIG-2 and associated text) for containing liquid within the boundaries of said cells, said liquid is prevented from moving between said cells (see Glaug, FIG-2 and col. 6, lines 10-15)

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(regarding claims 1, 19 and 28). Further regarding claims 2 and 20, Glaug teaches the protective covering of Claims 1 and 19, wherein said absorbent layer comprises paper or polymeric foam (col. 2, lines 60-65 – col. 3, line 5). Glaug also teaches regarding claims 3 and 21, the protective covering of Claims 1 and 19, where said absorbent layer comprises an open cell foam (col. 4, lines 14-15). Further regarding claims 7 and 25, Glaug teaches a plurality of hydrophobic barriers defining said cells (Glaug, 140, FIG-2 and associated text, fluid repellent barrier is equivalent to hydrophobic barrier). Glaug also teaches regarding claims 8 and 26, an hydrophobic layer bonded to the top surface of said absorbent layer, wherein said hydrophobic layer has a plurality of pores to render the materials pervious to fluids (Glaug, 170, FIG-2 and associated text, and col. 6, line 35-37, apertures throughout the cover film to render the materials pervious to fluids is considered equivalent to a plurality of pores that allow liquid to penetrate said hydrophobic layer and be absorbed by said absorbent layer). Glaug teaches cover 170 is of synthetic polymers in FIG-2 and teaches cover 470 is of synthetic polymers that are hydrophobic and thus 170 and 470 are equivalents further regarding claims 8 and 26.

10. Regarding claims 1 and 27, the water-impermeable sheet is bonded via adhesive (180, FIG-2) to said underlying absorbent layer.

11. Glaug does not teach said water-impermeable sheet of polyethylene is an electrostatically charged sheet.

12. Hassenboehler teaches applying an electrostatic field to polyethylene films as a treatment to improve filtration among other advantages (col. 3, lines 25-35, col. 8, lines 24-25, and col. 18, lines 10-15) used in diapers or hygiene products.

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13. It would have been obvious to one of ordinary skill in the art to have modified the protective covering of Glaug to become an electrostatically charged sheet because Hassenboehler teaches applying electrostatic charges to polyethylene films used in diapers or hygiene products results in improving filtration (col. 3, lines 25-35, col. 8, lines 24-25, and col. 18, lines 10-15 of Hassenboehler).

14. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,151,091 to Glaug et al. in view of USPN 5,486,411 to Hassenboehler, Jr. et al. and further in view of USPN 6,261,679 to Chen et al.

15. The combination of Glaug and Hassenboehler is applied above to claims 1 and 19.

16. While Glaug teaches absorbent material of paper or open cell foam or fibers, Glaug does not expressly define a fibrous mat *per se* (claims 5 and 23).

17. Chen teaches at col. 15, lines 30-65, and col. 26, lines 59-68 absorbent fibers including open cell foam and additionally fibers of pulp that are in the form of fiber mats.

18. It would have been obvious to one of ordinary skill in the art to have modified the covering of Glaug and Hassenboehler to have substituted absorbent material of paper, fibers or open cell foam for an absorbent layer comprising a fibrous mat because Chen teaches the same materials are functional equivalents (col. 15, lines 30-65, and col. 26, lines 59-68 of Chen).

19. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,151,091 to Glaug et al. in view of USPN 5,486,411 to Hassenboehler, Jr. et al. and further in view of USPN 5,807,366 to Milani.

20. The combination of Glaug and Hassenboehler is applied above to claims 1 and 19.

21. The combination does not teach said foam is electrostatically charged.

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22. Milani teaches absorbent fibers, fiber webs, foams, and films are electrostatically charged and thereby improves liquid distribution (col. 13, lines 25-35 of Milani). Milani teaches the same materials of fibers of polymer or paper (col. 10-col. 13, line 10).

23. It would have been obvious to one of ordinary skill in the art to have modified the combination to have a foam become electrostatically charged because Milani teaches the same materials in various forms such as fibers, fiber webs, foams, and films are electrostatically charged to improve liquid distribution (col. 10-col. 13, lines 25-35 of Milani).

24. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,151,091 to Glaug et al. in view of USPN 5,486,411 to Hassenboehler, Jr. et al. and further in view of USPN 6,261,679 to Chen et al. and further in view of USPN 5,807,366 to Milani.

25. The combination of Glaug, Hassenboehler, and Chen is applied above to claims 1 and 19.

26. The combination does not teach said fibrous mat is electrostatically charged (claims 6 and 24).

27. Milani teaches absorbent fibers, fiber webs, foams, and films are electrostatically charged and thereby improves liquid distribution (col. 13, lines 25-35 of Milani). Milani teaches the same materials of fibers of polymer or paper (col. 10-col. 13, line 10).

28. It would have been obvious to one of ordinary skill in the art to have modified the combination to have a fibrous mat become electrostatically charged because Milani teaches the same materials in various forms such as fibers, fiber webs, foams, and films are electrostatically charged to improve liquid distribution (col. 10-col. 13, lines 25-35 of Milani).

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Response to Arguments

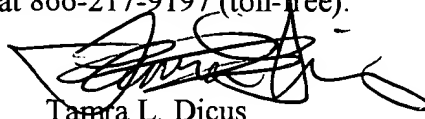
29. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
30. Chen is still used in the rejection to teach the various absorbent materials.
31. Milani is still used in the rejection to teach electrostatically charging foam, film, or fibers.

Conclusion

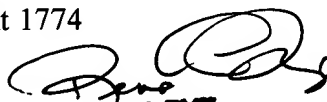
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamra L. Dicus
Examiner
Art Unit 1774

5/6/05


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 5/24/05